

REMARKS

The specification has been amended to correct an obvious clerical error. Support for the amendment can be found in description on page 8, line 18 to page 9, line 5 and in FIG.

7. No new matter has been added.

Applicants respectfully request reconsideration of the rejection of the claims in view of the remarks set forth below. Claims 3, 5-7, and 9-10 remain in the application. Claims 3, 5-7, and 9-10 have been amended. Claims 1, 2, 4, and 8 have been cancelled.

35 U.S.C. §101

Claims 1, 2, and 8 stand rejected under 35 U.S.C. § 101 as not falling within one of the four statutory categories of invention. Claims 1, 2, and 8 have been cancelled.

35 U.S.C. §112

Claims 1-8 and 10 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Claims 1, 2, 4, and 8 have been cancelled. Additionally, in response to the examiner's remarks, the applicants have amended claims 3, 5-7, and 10 to overcome the rejection. Applicants respectfully request that the rejection to claims 3, 5-7, and 10 be withdrawn.

Finality of the Next Action Is Precluded

Applicants note the absence of an art rejection against dependent claims 4-7 and respectfully submits that a next Office Action rejecting this claim under any section of Title 35 of the United States Code other than 35 U.S.C. § 112 cannot properly be made final because such a rejection will not have been necessitated by a claim amendment or based on information from an information disclosure statement. (See Section 706.07(a) of The Manual of Patent Examining Procedure).

35 U.S.C. §102

Claims 1-3, and 8-10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Supino et al. For a reference to anticipate a claimed invention, each and every element of the claim must be found in the reference.

Claims 1, 2, and 8 have been cancelled. With respect to the remaining claims, the applicants respectfully traverse the rejection and submit the following arguments for consideration by the examiner. Amended Claim 3 recites, inter alia, a "Differential phase detector for generating a tracking error signal, having an input for receiving digitized signals of at least two photodetectors, the differential phase detector comprising . . . a multiplexer that time multiplexes the digitized signals; a demultiplexer / interpolator, coupled to the multiplexer, that receives the time multiplexed digital signals and synchronizes the samples from the time multiplexed digitized signals . . . and summing means for summing the synchronized samples of the demultiplexer/ interpolator to generate a data signal." Support for the amendment can be found in cancelled claim 4. The applicants propose that Supino does not show or suggest the "summing means for summing the synchronized samples of the demultiplexer/ interpolator to generate a data signal" element of claim 3.

Supino appears to be directed at an optical disc storage device wherein data is recovered from the optical disk storage device using a light beam. A track error signal is determined from the outputs of a set of photodetectors. In contrast, claim 3 recites a "summing means for summing the synchronized samples of the demultiplexer/ interpolator to generate a data signal" element. Supino does not include a "summing means for summing the synchronized samples of the demultiplexer/ interpolator to generate a data signal" element as recited in claim 3. The "summing means for summing the synchronized samples of the demultiplexer/ interpolator to generate a data signal" element of claim 3 is an important aspect of the claim in that it permits a fully digital phase detection with at least two photodetectors using only a single A/D converter, as described on page 3 of the specification.

As a result, Supino does not show or suggest at least the "summing means for summing the synchronized samples of the demultiplexer/ interpolator to generate a data

signal" element of claim 3. Therefore it is respectfully proposed that the rejection of claim 3 under 35 U.S.C. § 102(b) is overcome in accordance with the above remarks and notice to that effect is earnestly solicited.

Amended independent claim 9 contains limitations similar to the elements of amended independent claim 3 and should therefore be allowable for that reason as well as the additional recitations contained therein. Therefore it is respectfully proposed that the rejection of claim 9 under 35 U.S.C. § 102(b) is overcome in accordance with the above remarks and notice to that effect is earnestly solicited.

Amended independent claim 10 contains limitations similar to the elements of amended independent claim 3 and should therefore be allowable for that reason as well as the additional recitations contained therein. Therefore it is respectfully proposed that the rejection of claim 10 under 35 U.S.C. § 102(b) is overcome in accordance with the above remarks and notice to that effect is earnestly solicited.

Conclusion

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicants' agent at (317) 587-4027, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No additional fee is believed due in regard to the present amendment. However, if an additional fee is due, please charge the fee to Deposit Account 07-0832.

Respectfully submitted,



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PD030113

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June 16, 2009